

1 Reuben D. Nathan, Esq. (SBN 208436)
2 Email: rathan@nathanlawpractice.com
3 **NATHAN & ASSOCIATES, APC**
4 2901 West Pacific Coast Highway, Suite 350
Newport Beach, California 92663
Tel: (949) 263-5992
Facsimile: (949) 209-1948

5
6 Attorneys for Plaintiffs
7 EHDER SOTO, HENEY SHIHAD and the
Proposed Class

8
9 **UNITED STATES DISTRICT COURT**
10
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

12 EHDER SOTO, individually and on behalf
of all others similarly situated,

13
14 Plaintiff
15 vs.

16 WILD PLANET FOODS, INC.,

17 Defendant.

18
19 HENEY SHIHAD, an individual on behalf
of himself and all others similarly situated,

20
21 Plaintiff
22 vs.

23 WILD PLANET FOODS, INC. and DOES
24 1 through 25, inclusive.

25 Defendants.

26 Case No. 5:15-cv-05082-BLF

27
**JOINT STIPULATION RE CASE
MANAGEMENT CONFERENCE**

28 Judge: The Hon. Beth Labson Freeman

Complaint Filed: November 5, 2015
Trial Date: None Yet Set

Case No. 1:16-cv-01478-BLF

Judge: The Hon. Beth Labson Freeman

Complaint Filed: March 25, 2016
Trial Date: None Yet Set

1
RECITALS
2

3 A. On November 5, 2015, Plaintiff EHDER SOTO commenced an action
4 entitled *Soto v. Wild Planet Foods, Inc.* (United States District Court, Northern
5 District of California, Case No. 5:15-cv-05082-BLF) (the “Soto Action”), as a
6 proposed class action, asserting claims for breach of express warranty, breach of
7 the implied warranty of merchantability, unjust enrichment, violation of
8 California’s Consumers Legal Remedies Act (“CLRA”), violation of California’s
9 Unfair Competition Law (“UCL”), violation of California’s False Advertising Law
10 (“FAL”), negligent misrepresentation, breach of the implied warranty of fitness for
11 a particular purpose, and fraud.
12

13 B. On September 16, 2016, a First Amended Complaint was filed in the Soto
14 Action that removed the claim for breach of the implied warranty of fitness for a
15 particular purpose and that added a damages claim under the CLRA.
16

17 C. Wild Planet Foods, Inc. (hereinafter “WP”) is the sole Defendant in the
18 Soto Action.
19

20 D. On March 25, 2016, Plaintiff HENEY SHIHAD commenced an action
21 entitled *Shihad v. Wild Planet Foods, Inc.* (United States District Court, Northern
22 District of California, Case No. 1:16-cv-01478-BLF) (the “Shihad Action”), as a
23 proposed class action, asserting claims for violations of California Unfair
24 Competition Law, California False Advertising Law, breach of express warranty,
25 breach of the implied warranty of merchantability, fraud and negligent
26 misrepresentation.
27

28 E. WP is the sole Defendant in the Shihad Action.
29

30 F. The Soto Action and the Shihad Action are referred to herein collectively
31 as the “Actions”. Ehder Soto and Heney Shihad are referred to collectively herein
32 as the “Class Representatives”.
33

34 G. On April 5, 2016, the Court ordered the Actions related [Docket No. 24].
35

1
2 G. On December 23, 2016, a Stipulation for Class Action Settlement was
3 filed regarding the Actions [Docket No. 44].
4

5 H. On February 2, 2017, a Motion for Preliminary Approval of Class Action
6 Settlement was filed [Docket No. 45], which motion is presently on calendar for
7 hearing on May 11, 2017.
8

9 I. There is a Case Management Conference on calendar for March 23, 2017
10 regarding the Actions. In light of the settlement, the Parties believe that it is
11 appropriate to take the Case Management Conference off calendar pending an
12 outcome on the Motion for Preliminary Approval.
13

14 ///
15
16 ///
17
18 ///
19
20 ///
21
22
23
24
25
26
27
28

STIPULATION

1. Plaintiffs Ehder Soto and Heney Shihad and Defendant Wild Planet Foods, Inc., by and through their undersigned counsel of record, hereby STIPULATE and agree that the Case Management Conference set for March 23, 2017 in this matter be taken off calendar pending an outcome on the Motion for Preliminary Approval of Class Action Settlement.

2. The Parties hereby respectfully request the Court take the March 23, 2017 Case Management Conference off calendar.

IT IS SO STIPULATED.

DATED: March 13, 2017

/s/ Reuben D. Nathan
Reuben D. Nathan
NATHAN & ASSOCIATES, APC
*Attorneys for Ehder Soto and Heney Shihad
and the Putative Settlement Class*

DATED: March 13, 2017

/s/ L. Timothy Fisher
L. Timothy Fisher
BURSOR & FISHER, PA
*Attorneys for Ehder Soto and Heney Shihad
and the Putative Settlement Class*

DATED: March 13, 2017

/s/ Joseph V. Mauch
Joseph V. Mauch
SHARTSIS FRIESE LLP
Attorneys for Wild Planet Foods, Inc.